

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: NOVEMBER 24, 2009

SUBJECT: APPLICATION OF TIME WARNER CABLE INFORMATION
SERVICES (IDAHO), LLC FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY, CASE NO. TIM-T-08-01

On November 14, 2008, Time Warner Cable Information Services (Idaho), LLC (“TWCIS” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity (CPCN) pursuant to *Idaho Code* §§ 61-526 through 528, IDAPA 31.01.01.111 and Commission Order No. 26665 to provide competitive facilities-based local and interexchange telecommunications services within the State of Idaho. Staff and representatives of TWCIS entered into a prolonged period of discussions regarding the Company’s initial Application. On November 14, 2009, the Company filed a supplement to its Application.

THE APPLICATION AND SUPPLEMENT

TWCIS is a Delaware corporation and lists its principal place of business as: 290 Harbor Drive, Stamford, Connecticut 06902-8700. *Application* at 2. TWCIS is registered with the Idaho Secretary of State as a foreign limited liability company and lists CT Corporation System, 300 N. Sixth Street, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* In its Application, TWCIS states that it is a “competitive telecommunications company” offering “facilities-based wholesale and retail intrastate telecommunications services” to “commercial and wholesale customers statewide.” *Id.* at 2, 5.

TWCIS seeks authority to provide “retail and wholesale facilities-based intrastate telecommunications services to commercial customers in all existing telephone exchanges in the state of Idaho.” *Id.* at 6. The Company will utilize the facilities owned by its cable affiliate, as

appropriate. *Id.* at 5. The Application also reveals that the Company has not yet identified all of the facilities required for its services, “as the architecture will depend upon future customer location, customer demand and the outcome of interconnection agreement (“ICA”) negotiation with incumbent local exchange carriers (“ILECs”).” *Id.* at 5-6. TWCIS disclosed in its Application that it plans to enter into ICAs with Idaho ILECs, Verizon and Qwest. *Id.* at 7.

In the supplement to its Application, TWCIS reiterated that its “Local Interconnection Service, described in Section 3.3 of its proposed tariff . . . falls within the parameters of” the *Idaho Code* § 62-603(1) definition of “basic local exchange service.” *Supplement to Application* at 4-5. The Company also emphasized that granting a CPCN “will be consistent with the competition objectives embodied in federal and state law. . . .” *Id.* at 11

STAFF COMMENTS

Staff has reviewed TWCIS’s Application and supplement and recommends that it be processed through Modified Procedure with a 21-day comment period.

COMMISSION DECISION

Does the Commission wish to process TWCIS’s Application for a Certificate of Public Convenience and Necessity through Modified Procedure with a 21-day comment period?



Neil Price
Deputy Attorney General

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